

## AMENDMENTS TO THE CLAIMS:

Claims 1 – 8 (cancelled)

9. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; ~~and~~ (iii) the inner cup is configured to be receivable within the outer cup to create a sealed continuous uninterrupted gap between the side walls of an inner surface of the outer cup and an outer surface of the inner cup and between the bottom wall of the inner surface of the outer cup and the outer surface of the inner cup; ~~(iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand;~~

(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an outwardly protruding tip of the spout; and

(c) ~~the dual wall assembly provides sufficient insulation ability so~~ the sealed continuous uninterrupted gap is sufficiently sized so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.

Claim 10. (cancelled)

Claim 11 (cancelled)

12. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by a bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; ~~and~~ (iii) the inner cup is configured to be receivable within the outer cup to create a sealed continuous uninterrupted gap between the side walls of an inner surface of the outer cup and an outer

surface of the inner cup and between the bottom wall of the inner surface of the outer cup and the outer surface of the inner cup; (iv) ~~a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand;~~

(c) ~~the dual wall assembly provides sufficient insulation ability so the sealed continuous uninterrupted gap is sufficiently sized so that the cup assembly takes at least about 100 minutes to reach 70°F that the cup assembly takes at least about twice the time to reach 70°F compared to a comparable single wall cup, which is made of the same thermoplastic material of the inner cup, when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F; and~~

(d) ~~the dual wall assembly provides sufficient impact strength so the inner cup is configured to be receivable within the outer cup so that the cup assembly does not crack or break when tested by the drop test method comprising the steps of filling the cup with a room temperature liquid, securing the cap to the cup, refrigerating the cup assembly, and dropping the cup assembly 5 times from a height of 40 inches.~~

13. (Currently Amended) A cup assembly having an open end, comprising:

(a) a dual wall cup assembly comprising: (i) an outer cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall and the top is open; (ii) an inner cup made of a thermoplastic material, with a side wall, a top and an end, the end is closed and sealed by bottom wall; (iii) the side wall thickness of the inner and outer cups are about 0.05 to about 0.06 inches; ~~and~~ (iv) the inner cup is configured to be receivable within the outer cup to create a continuous uninterrupted sealed gap between side wall of an inner surface of the outer cup and an outer surface of the inner cup and between the bottom walls wherein the continuous uninterrupted sealed gap is about 0.04 to about 0.8 inches; ~~(iv) a maximum outside diameter of the outer cup is less than the size of a typical child's hand, who is about 5 years old, so the child can sufficiently grasp the cup with one hand.~~

(b) the cup assembly is a child spill-proof cup that has a removably mounting cap thereon, the cap has a spout that projects from one side thereof upwardly, the spout is formed integrally with the cap and includes a front and rear walls that converge to an

outwardly protruding tip of the spout; and;

(c) ~~the dual wall assembly provides sufficient insulation ability so the sealed continuous uninterrupted gap is sufficiently sized so that the cup assembly takes at least about 100 minutes to reach 70°F when tested by the cup insulation test method comprising the steps of adding 38 F water with 2 ice cubes to fill the cup and then recording the time that the water reaches 70 F.~~

Claims 14 – 28 (cancelled)

29. (original) The cup assembly of claim 9 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

Claims 30 and 31 (cancelled)

32. (original) The cup assembly of claim 12 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

33. (original) The cup assembly of claim 13 having a valve located adjacent to or incorporated into the spout wherein the valve substantially prevents a liquid from leaking out of the spout.

Claims 34 - 39 (cancelled)

40. (original) The cup assembly of claim 29 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

Claims 41 and 42 (cancelled)

43. (original) The cup assembly of claim 32 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

44. (original) The cup assembly of claim 33 wherein the inner cup is sufficiently sized to hold about 6 to about 9 ounces of liquid.

Claims 45 - 52 (cancelled)

53. (original) The cup assembly of claim 40 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

Claims 54 and 55 (cancelled)

56. (original) The cup assembly of claim 43 wherein the cup assembly is formed

from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

57. (original) The cup assembly of claim 44 wherein the cup assembly is formed from a plastic selected from the group consisting of polypropylene, polyethylene and polyester.

Claim 58 – 104 (cancelled)

105. (Currently amended) The cup assembly of claim 9 wherein air is in the continuous uninterrupted sealed gap.

Claim 106. (canceled)

107. (previously added) The cup assembly of claim 12 wherein air is in the continuous uninterrupted sealed gap.

108. (previously added) The cup assembly of claim 13 wherein air is in the continuous uninterrupted sealed gap.

Claim 109. (canceled)